

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ERICA MARIA SOLIS,

Defendant.

No. 4:15-CR-6049-EFS-15

ORDER DENYING THE UNITED
STATES' MOTION FOR
DETENTION AND SETTING
CONDITIONS OF RELEASE

ECF No. 192

On Tuesday, December 20, 2016, the Court conducted a detention hearing in accordance with 18 U.S.C. § 3142(f). Defendant appeared, in custody, with her attorney Troy Lee appearing by video. Assistant United States Attorney Stephanie Van Marter represented the United States.

The United States' Motion for Detention (**ECF No. 192**) is **DENIED**.

The Court considered the Pretrial Services Report (ECF No. 226) and the counsels' arguments. To decide whether conditions of release would reasonably

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1 assure the Defendant's appearance in court and the safety of the community, the
2 Court considered and evaluated the four factors outlined in 18 U.S.C. § 3142(g):

- 3 1. The nature and circumstances of the offense;
- 4 2. The weight of the evidence against the Defendant;
- 5 3. The history and characteristics of the Defendant; and
- 6 4. The nature and seriousness of the danger the Defendant would present to the
7 community if released.

8 The Court finds the following:

9 **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

10 ☒ Pursuant to 18 U.S.C. § 3142(e), there is a rebuttable presumption that the
11 Defendant is a flight risk and a danger to the community based on the nature of the
12 pending charge. Defendant has rebutted the presumption that no condition or
13 combination of conditions will reasonably assure the safety of another person or the
14 community and/or no condition or combination of conditions will reasonably assure
15 the appearance of the Defendant as required.

16 ☐ This is not a rebuttable presumption case; however, the case is eligible for a
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18 detention hearing under 18 U.S.C. § 3142(f)(2). There is a serious risk that the
19 Defendant: will not appear and/or endanger the safety of another person or the
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community.

IT IS ORDERED:

1. The United States' Motion for Detention (**ECF No. 192**) is **DENIED**.

2. If a party desires this Court to reconsider conditions of release because of material and newly discovered circumstances under 18 U.S.C. § 3142(f), that party shall file a motion with the court, served upon the United States Attorney, stating what circumstances are new, how they are established, and the requested change in conditions of release.

3. If a party seeks review of this Order by another court pursuant to 18 U.S.C. § 3145(b), counsel shall adhere to the Detention Order Review Protocol found in L.Cr.R. 46(k).

4. The Defendant is bound over to Judge Edward F. Shea for further proceedings.

5. Defendant shall complete and sign A.O. Form 199C and, upon release, abide by the following conditions at all times:

CONDITIONS OF RELEASE

(1) Defendant shall not commit any offense in violation of federal, state or local law. Defendant shall advise the supervising Pretrial Services Officer and defense counsel within one business day of any charge, arrest, or contact with law enforcement. Defendant shall not work for the United States government or any federal or state law enforcement agency, unless Defendant first notifies the supervising Pretrial Services Officer in the captioned matter.

(2) Defendant shall immediately advise the Court, defense counsel and the U.S.

1 Attorney in writing before any change in address and telephone number.

2 (3) Defendant shall appear at all proceedings as required and shall surrender for
3 service of any sentence imposed as directed.

4 (4) Defendant shall sign and complete A.O. Form 199C before being released and
5 shall reside at the address furnished.

6 (5) Defendant shall not possess a firearm, destructive device or other dangerous
7 weapon.

8 (6) Defendant shall report to the United States Probation Office before or
9 immediately after release and shall report as often as they direct, at such times
10 and in such manner as they direct.

11 (7) Defendant shall contact defense counsel at least once a week.

12 (8) Defendant is further advised, pursuant to 18 U.S.C. § 922(n), it is unlawful
13 for any person who is under indictment for a crime punishable by
14 imprisonment for a term exceeding one year, to possess, ship or transport in
15 interstate or foreign commerce any firearm or ammunition or receive any
16 firearm or ammunition which has been shipped or transported in interstate or
17 foreign commerce.

18 (9) Defendant shall refrain from the use or unlawful possession of a narcotic drug
19 or other controlled substances defined in 21 U.S.C. § 802, unless prescribed
20 by a licensed medical practitioner. Defendant may not possess or use
marijuana, regardless of whether Defendant has been prescribed a medical
marijuana card.

(10) Defendant shall surrender any passport to Pretrial Services and shall not apply
for a new passport.

SPECIAL CONDITIONS

(1) Remain in the Eastern District of Washington unless given permission by the
United States Probation/Pretrial Services Office.

(2) No contact with co-defendants or potential witnesses.

- 1 (3) Maintain employment, or, if unemployed, actively seek employment and/or
2 maintain or commence an educational program.

3 DATED December 20, 2016.

4 *s/Mary K. Dimke*

5 MARY K. DIMKE

6 UNITED STATES MAGISTRATE JUDGE
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